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Balám O. Letona SBN 229642
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Attorneys for Plaintiff
THOMAS H. VOGTMAN

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSÉ DIVISION**

THOMAS H. VOGTMAN,

Plaintiffs,

v.

J&L COLLECTION SERVICES, INC., dba
J&L TEAMWORKS, TONY MIRABAL,
WESLEY DOE and DOES 1-10, inclusive,

Defendant(s).

Case No.

C08 03917 HRL

COMPLAINT

DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. Defendant J&L Collection Services, Inc. ignored the cease and desist orders of a disabled U.S. veteran, and intruded upon his seclusion by continuing to call him on the telephone, and send him collection letters, even after Defendant was informed Mr. Vogtman was represented by counsel. Defendants falsely threatened imminent suit and credit reporting, when none was intended.

FILED

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RICHARD W. WIEKING
CLERK
U.S. DISTRICT COURT
NO. DIST. OF CA. S.J.

E-FILED

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1 2. As a result of Defendant's conduct, Mr. Vogtman suffered physical and emotional
2 injury, and substantial emotional distress in the form of severe depression, anxiety, inability to
3 eat, digestive problems and diarrhea, vomiting, dizziness, fainting spells, crying spells, difficulty
4 sleeping, feelings of helplessness and hopelessness, lack of concentration, upset, fear, worry,
5 stress, amongst other injury.

6 3. This is an action for damages brought by consumers for Defendants' violations of the
7 Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (hereinafter "FDCPA") and
8 California's Rosenthal Fair Debt Collection Practices Act, Civil Code § 1788 et seq. (hereinafter,
9 "state Act"), which prohibit debt collectors from engaging in abusive, deceptive and unfair
10 practices. Plaintiff also seeks treble damages under Civil Code §3345, which provides for a
11 trebling of damages for deceptive and unfair acts involving disabled persons. Plaintiff was a
12 disabled and unemployed person, at all times relevant herein, subjected to Defendants' abusive,
13 deceptive and unlawful collection practices.

14 4. According to 15 U.S.C. 1692:

- 15 (a) There is abundant evidence of the use of abusive, deceptive, and unfair debt
16 collection practices by many debt collectors. Abusive debt collection practices
17 contribute to the number of personal bankruptcies, to marital instability, to the loss of jobs,
18 and to invasions of individual privacy.
- 19 (b) Existing laws and procedures for redressing these injuries are inadequate to protect
20 consumers.
- 21 (c) Means other than misrepresentation or other abusive debt collection practices are available
22 for the effective collection of debts.
- 23 (d) Abusive debt collection practices are carried on to a substantial extent in interstate
24 commerce and through means and instrumentalities of such commerce. Even where
25 abusive debt collection practices are purely intrastate in character, they nevertheless
directly affect interstate commerce.
- (e) It is the purpose of this title to eliminate abusive debt collection practices by debt
collectors, to insure that those debt collectors who refrain from using abusive debt
collection practices are not competitively disadvantaged, and to promote consistent State
action to protect consumers against debt collection abuses.

II. JURISDICTION AND VENUE

5. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d), 28 U.S.C. § 1337, and supplemental jurisdiction exists for the state law claims pursuant to 28 U.S.C. § 1367. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202. Venue in this District is proper in that Defendants transact business here and the conduct complained of occurred here.

III. PARTIES

6. Plaintiff THOMAS VOGTMAN (hereinafter “Mr. Vogtman”) was a disabled and unemployed person residing in Santa Cruz, CA, at all times relevant herein.

7. Mr. Vogtman is a “consumer” as defined by 15 U.S.C. § 1692a(3) and a “debtor” as defined by Cal. Civil Code § 1788.2.

8. Defendant J&L Collection Services, Inc., dba J&L TEAMWORKS (hereinafter “J&L or Defendant or Defendants”), is a California corporation that regularly attempts to collect debts owed another with its principal place of business located at 651 N. Cherokee Lane, #B2, Lodi, CA 95240.

9. J&L is a “debt collector” as defined by 15 U.S.C. § 1692a(6) and California Civil Code § 1788.2.

10. Defendant Tony Mirabal (hereinafter “Mr. Mirabal”) is an employee of J&L who regularly attempts to collect debts owed another.

11. Mr. Mirabal is a “debt collector” as defined by 15 U.S.C. 1692a(6) and California Civil Code § 1788.2.

12. Defendant Wesley Doe (hereinafter “Wesley”) is an employee of J&L who regularly attempts to collect debts owed another.

13. Wesley Doe is a “debt collector” as defined by 15 U.S.C. 1692a(6) and California Civil Code § 1788.2.

14. Plaintiff alleges that at all times herein mentioned, each Defendant was, and is now, the agent, servant, employee and/or other representative of the other Defendants, and in doing

1 the things herein alleged, was acting in the scope, purpose and authority of such agency, service
2 employment, and/or representative capacity with the permission, knowledge, consent and
3 ratification of the other Defendants. Defendants authorized, approved and/or ratified the
4 wrongful acts herein. Defendants authorized, approved, and/or ratified the wrongful acts herein.
5 Any reference to "DEFENDANTS" "Defendant" or "Defendants" without further qualification is
6 meant by Plaintiffs to refer to each Defendant, and all of them, named herein.

7 **IV. FACTUAL ALLEGATIONS**

8 15. Plaintiff Thomas Vogtman (hereinafter "Mr. Vogtman") incurred a financial
9 obligation to Santa Cruz Medical Foundation. The debt was primarily incurred for personal,
10 family or household purposes and is therefore a "debt" as that term is defined by 15 U.S.C. §
11 1692a(5) and "consumer debt" as that term is defined by Cal. Civil Code § 1788.2(f).

12 16. Mr. Vogtman is informed and believes, and thereon alleges that sometime thereafter
13 on a date unknown to Mr. Vogtman, the debt was sold, assigned or otherwise transferred to J&L
14 to collect the debt from Mr. Vogtman.

15 17. On or about the summer of 2007 Defendants began calling Plaintiff in an attempt to
16 collect the debt. In each call, Plaintiff informed Defendant he was a disabled veteran,
17 unemployed and unable to pay.

18 18. On or about August 16, 2007, J&L sent a collection letter to Mr. Vogtman in an
19 attempt to collect a debt or collect payment on a debt. A true and correct copy of the August 16,
20 2007 collection letter is attached to the herein complaint as **Exhibit 1**.

21 19. **Exhibit 1** contained false, deceptive, and misleading statements in an effort to collect
22 a debt or collect payment on a debt.

23 20. **Exhibit 1** falsely threatened imminent action not intended and not taken within the
24 time frame taken, including credit reporting by Defendant.

25 21. **Exhibit 1** created a false sense of urgency.

1 22. At the time of receiving Exhibit 1, Mr. Vogtman was disabled, unemployed and
2 receiving Workers Compensation disability benefits.

3 23. On or about September 2007, Defendants telephoned Plaintiff demanding immediate
4 payment. Plaintiff informed Defendant he was disabled, unemployed, unable to pay, he was
5 being represented by an attorney, to contact his attorney, and gave Defendants the name, and
6 telephone number of his attorney. Defendant falsely threatened an imminent lawsuit. Defendants
7 made false, deceptive and misleading statements in an attempt to collect a debt. Defendants
8 created a false sense of urgency. Plaintiff terminated the call. Nevertheless, Defendants
9 continued to telephone Plaintiff.

10 **FIRST CEASE AND DESIST LETTER**

11 24. On or about September 13, 2007, Mr. Vogtman's attorney sent J&L a letter via
12 certified mail, informing J&L that Mr. Vogtman was represented by legal counsel, provided such
13 legal counsel's name and phone number, and requested any further contact be made through Mr.
14 Vogtman's legal counsel. The letter also informed J&L that Mr. Vogtman is disabled, receiving
15 Workers Compensation disability benefits, and that any further contact to Mr. Vogtman will
16 cause Mr. Vogtman to suffer unnecessary stress. Exhibit 2.

17 25. Despite the cease and desist order, Defendants made dozens of calls to Plaintiff over
18 the course of the next several months, several times calling more than once a day, and in a
19 repeated fashion.

20 26. Defendants failed to provided notices as required by federal law.

21 27. Defendants failed to meaningfully identify themselves, and engaged a device in an
22 attempt to conceal their repeated phone calls.

23 28. Despite the cease and desist order, Defendants sent numerous letters directly the
24 Plaintiff over the next several months.

25 **SECOND CEASE AND DESIST LETTER**

 29. On or about February 6, 2008, Mr. Vogtman's attorney sent J&L another letter via
certified mail, informing J&L that Mr. Vogtman was represented by legal counsel, provided such

1 legal counsel's name and phone number, and requested any further contact be made through Mr.
 2 Vogtman's legal counsel. **Exhibit 3**. The letter also informed J&L that Mr. Vogtman is disabled,
 3 receiving Workers Compensation disability benefits, and that any further contact to Mr.
 4 Vogtman will cause Mr. Vogtman to suffer unnecessary stress. Nevertheless, Defendants
 5 relentless phone calls directly to Plaintiff continued.

6 **THIRD CEASE AND DESIST LETTER**

7 30. On or about May 2, 2008, Mr. Vogtman sent a letter to the creditor, Santa Cruz
 8 Medical Foundation, again indicating Plaintiff was a disabled veteran, and requesting Defendants
 9 cease and desist all communications to him and to inform their collector, J&L to also cease all
 10 communications to him as well. Nevertheless, Defendants continued to call Plaintiff.

11 31. Plaintiff is disabled as that term is defined by Civil Code §1761.

12 32. Defendants were informed by Plaintiff, and were aware Mr. Vogtman was disabled.

13 33. Mr. Vogtman is substantially more vulnerable than other members of the public to
 14 J&L's conduct because of his disability.

15 34. As a result of Defendant's conduct, Mr. Vogtman suffered physical and emotional
 16 injury, and substantial emotional distress in the form of severe depression, anxiety, inability to
 17 eat, digestive problems and diarrhea, vomiting, dizziness, fainting spells, crying spells, difficulty
 18 sleeping, feelings of helplessness and hopelessness, lack of concentration, upset, fear, worry,
 stress, amongst other injury.

19 **V. FIRST CLAIM FOR RELIEF** 20 **(Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.*)**

21 35. Plaintiff incorporates by reference each paragraph alleged above.

22 36. The foregoing acts and omission of Defendants constitute violations of the FDCPA,
 23 including but not limited to: 15 U.S.C. §§ 1692c, 1692d, 1692e, 1692e(5), 1692e(10), e(11), and
 24 1692f, as evidenced by the following conduct:

25 37. Defendants violated 15 U.S.C. §§ 1692c by contacting someone known to be
 represented by counsel.

1 38. Defendants violated 15 U.S.C. §§ 1692c by failing to abide by a cease and desist
2 order.

3 39. Defendants violated 15 U.S.C. §§ 1692d by engaging in conduct the natural
4 consequence of which is to harass oppress or abuse any person in connection with the collection
5 of a debt.

6 40. Defendants violated 15 U.S.C. §§ 1692e and 1692e(5) by falsely threatening
7 imminent action not intended and did not take within the time frame threatened including credit
8 reporting.

9 41. Defendants violated 15 U.S.C. §§ 1692e and 1692e(10) using false, deceptive, and
10 misleading statements in an attempt to collect a debt.

11 42. Defendants violated 15 U.S.C. §§ 1692e and 1692e(11) by failing to provide notices
12 required by federal law.

13 43. Defendants violated 15 U.S.C. §§ 1692e and 1692e(10) by creating a false sense of
14 urgency.

15 44. Defendants violation of 15 U.S.C. §1692f by using unfair or unconscionable means
16 to collect the debt

17 45. As a result of the above violations of the FDCPA, Defendants are liable to Mr.
18 Vogtman for statutory damages, costs and attorney's fees.

19 **VI. SECOND CLAIM FOR RELIEF**
(California Rosenthal Fair Debt Collection Practices Act, Civil Code § 1788 *et seq.*)

20 46. Plaintiff repeats, re-alleges, and incorporates by reference all of the paragraphs above
21 as though fully stated herein.

22 47. Defendants violated Civil Code §1788 *et seq.*, including but not limited to Civil Code
23 §1788.11, §1788.13, §1788.17.

24 48. Defendants are debt collectors pursuant to Civil Code §1788.2.

25 49. The Defendants were attempting to collect a consumer debt as defined by Civil Code
§1788.2.

1 50. Defendants violated Civil Code 1788.13(j) by falsely threatening imminent suit and
2 Civil Code §1788.13(f) by falsely threatening imminent credit reporting.

3 51. Defendants violated Civil Code §1788.17 by engaging in conduct the natural
4 consequence of which is to annoy, harass, oppress and abuse.

5 52. Defendants violated civil code §1788.17 be engaging in an unfair and unconscionable
6 act in an attempt to collect a debt.

7 53. Defendants violated Civil Code §1788.17 by refusing to cease and desist, and
8 unlawfully communicating with someone known to be represented by counsel.

9 54. Defendants violated Civil Code §1788.17 by making false, deceptive and misleading
10 statements in an attempt to collect a debt.

11 55. Plaintiff is entitled to recover statutory damages, actual damages, reasonable
12 attorney's fees and costs.

13 **VII. INVASION OF PRIVACY**

14 56. Plaintiff repeats, re-alleges, and incorporates by reference all of the paragraphs above
15 as though fully stated herein.

16 57. Defendants' outrageous, abusive, and malicious acts constituted intrusion upon
17 Plaintiff's seclusion.

18 58. Defendants intruded upon the solitude or seclusion, private affairs or concerns of
19 Plaintiff.

20 59. The intrusion was substantial, and of a kind that would be highly offensive to an
21 ordinarily reasonable person.

22 60. The intrusion caused Plaintiff to sustain injury, damage, loss or harm in the form of
23 emotional distress and actual injury as further described herein.

24 61. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has
25 suffered damages in an amount to be determined at trial.

1 62. Defendants acted with fraud, oppression, and/or malice, thereby entitling Plaintiff to
2 punitive damages in an amount according to proof and a finder of fact at trial.

3 **VIII. TORT-IN-SE**

4 63. Plaintiff repeats, re-allege, and incorporates by reference all of the paragraphs above
5 as though fully stated herein.

6 64. Defendants violated a statutory duty to another and are thus liable under the doctrine
7 of "Tort-in-se."

8 65. Defendants violated 15 U.S.C. 1692 et seq., Civil Code §1788 et seq., as noted above,
9 and are thus liable for tort-in-se.

10 66. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered
11 damages in an amount to be determined at trial.

12 67. Defendants acted with fraud, oppression, and/or malice, thereby entitling Plaintiff to
13 punitive damages in an amount to be determined at trial.

14 **IX. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

15 68. Plaintiff repeats, re-alleges, and incorporates by reference all of the paragraphs
16 above as more fully stated herein.

17 69. Defendants' outrageous, abusive and intrusive acts as described herein constituted
18 negligent infliction of emotional distress.

19 70. Defendants' conduct as described herein was wrongful conduct in that the Defendants
20 conducted their business in an abusive, oppressive, and harassing manner.

21 71. It is clearly foreseeable that Defendants' actions as described herein could cause
22 severe and serious emotional distress.

23 72. As a direct and proximate result of Defendants' unlawful conduct, Plaintiff has
24 suffered damages in an amount to be determined at trial.

25 73. Defendants acted with fraud, oppression, and/or malice, thereby entitling Plaintiff to
punitive damages in an amount to be determined at trial.

X. NEGLIGENCE

74. Plaintiff repeats, re-alleges, and incorporates by reference all of the paragraphs above as though fully stated herein.

75. Defendants' actions and omissions as described herein constitute negligence in that Defendants owed Plaintiff a duty of reasonable care in the collection of the alleged debt and in investigating and addressing Plaintiff's claims for redress, said duties were breached, and said breach was the proximate cause of damages suffered by Plaintiff.

76. Plaintiff suffered damages due to Defendants' actions in an amount to be determined at trial.

77. Plaintiff is entitled to punitive damages for the actions and omissions of the Defendants as described herein.

78. Defendants acted with fraud, oppression, and/or malice, thereby entitling Plaintiff to punitive damages in an amount according to proof and a finder of fact at trial.

XI. NEGLIGENT HIRING, RETENTION, TRAINING, AND SUPERVISION

79. Plaintiff repeats, re-alleges, and incorporates by reference all of the paragraphs above as though fully stated herein.

80. Defendant was negligent in the hiring, retention, training, and/or supervision of its employees. Defendant's actions and omissions constitute negligence in that Defendant owed Plaintiff a duty to hire, retain, train, and/or supervise its employees properly, said duty was breached, and said breach was the proximate cause of damages suffered by Plaintiff.

81. The actions and omissions of Defendant as described herein constitute grossly negligent hiring, retention, training, and/or supervision in that Defendant owed Plaintiff a duty to hire, retain, train, and/or supervise its employees properly, said duty was breached, said breach was the proximate cause of damages suffered by Plaintiff, and Defendant's actions and omissions

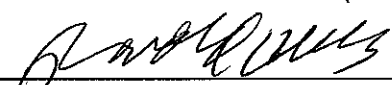
1 demonstrate a want of scant care and an indifference to the rights of Plaintiff. The actions of
2 Defendant were willful, malicious, and wanton. The actions of Defendant were highly
3 unreasonable and demonstrate an extreme departure from ordinary care.

4 82. Plaintiff suffered damages due to Defendant's actions in an amount to be determined
5 by proof by the finder of fact at trial.

6 83. Defendant acted with fraud, oppression, and/or malice, thereby entitling Plaintiff to
7 punitive damages in an amount according to proof and a finder of fact at trial.

8 WHEREFORE, Plaintiff respectfully pray that judgment be entered against the
9 Defendants for the following:

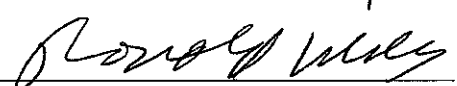
- 10 A. Judgment that Defendants' conduct violated the FDCPA and the state Act.
11 B. Statutory damages pursuant to 15 U.S.C. § 1692k, Civil Code § 1788.17 and Civil
12 Code § 1788.30.
13 C. Treble damages pursuant to Civil Code § 3345.
14 D. Actual and punitive damages.
15 E. Costs and reasonable attorney's fees pursuant to 15 U.S.C. § 1692k and Civil Code §
16 1788.17 and Civil Code § 1788.30.
17 F. Grant such other and further relief as it deems just and proper.

18 
19 Ronald Wilcox
Attorney for Plaintiff

8/15/08
Date

20 **DEMAND FOR JURY TRIAL**

21 Please take notice that Plaintiff demand trial by jury in this action.

22 
23 Ronald Wilcox
24 Attorney for Plaintiff

8/15/08
Date

Exhibit 1

651 N. Cherokee Lane, #B2
Lodi Ca 95240

Address Service Requested

August 16, 2007

J&L TEAMWORKS
651 N. Cherokee Lane, #B2
Lodi Ca 95240
800-481-6006

ACCOUNT IDENTIFICATION

RE: Santa Cruz Medical Foundation

PERSONAL & CONFIDENTIAL

Thomas H Vogtman 997190

1630 Merrill St Apt 306

Santa Cruz, CA 95062-4012

|||||

ACCOUNT NUMBER : 9156162
PATIENT NAME : Vogtman, Thomas H
PRINCIPAL : \$445.20
INTEREST : \$15.61
BALANCE OWING : \$460.81

IMPORTANT NOTICE

NOTIFICATION TO CREDIT BUREAU

As required by law, you are hereby notified that a negative credit report will be submitted to a credit reporting agency within the next 30 days if you fail to fulfill the terms of your credit obligations.

Mr Parchman Ext. 184
J&L Teamworks

This is an attempt to collect a debt by a debt collector. Any information obtained will be used for that purpose.

-----Detach and Return with Payment-----

Enter the requested information in the spaces provided below:

From: Thomas H Vogtman 997190

Change of Address: _____

City, State, Zip: _____

Telephone: _____

If you wish to pay by credit card, please enter the requested information in the spaces provided.

Check one: ☐ Visa
☐ MasterCard
☐ American Express

Card Number: _____

Expiration Date: ____/____/____

Note: A 3% Service Charge will be added on all credit card transactions.

Signature: _____

J&L TEAMWORKS
651 N Cherokee Ln Ste B2
Lodi, CA 95240-4267

|||||

Exhibit 2

LAW OFFICE OF BALAM O. LETONA

1347 Pacific Avenue, Suite 203
Santa Cruz, CA 95060-3940
Voice & Facsimile (831) 621-9659
letonalaw@gmail.com

September 13, 2007

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

J&L Teamworks
651 N. Cherokee Lane, B2
Lodi, CA 95240

Re: THOMAS VOGTMAN
Account No. 9156162

To Whom It May Concern:

This office represents Mr. Thomas Vogtman with respect to the debt your office seeks to collect. Mr. Vogtman regrets the fact that he will not be able to make any further payments on this debt. Please be informed that Mr. Vogtman is disabled and he receives Workers Compensation disability benefits.

This office requests pursuant to California Civil Code § 1788.14 that all further communications regarding the debt be directed to Balám O. Letona, Esq., of the Law Office of Balám O. Letona, Inc., at the address listed above. Any additional contact from your office will cause Mr. Vogtman to suffer unnecessary stress.

We thank you in advance for your anticipated cooperation in this matter. Additionally, if your office would like to call regarding this debt please call this office at (831)421-0200. I am

Very truly yours,

The Law Office of Balám O. Letona, Inc.



Balám O. Letona, Esq.
Attorney for Thomas Vogtman

U.S. Postal Service Certified Mail Receipt	ARTICLE NUMBER 7155 5474 4100 4895 1198	FEES Postage per piece \$0.41 Certified Fee 2.65 Return Receipt Fee 2.15 Total Postage & Fees: \$5.21
	ARTICLE ADDRESS TO: J&L Teamworks 651 N Cherokee Ln Ste B2 Lodi CA 95240-4267	
	Postmark Here	
	(Empty space for additional information)	

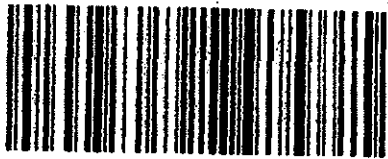

<p>LOBL 1347 Pacific Avenue, Ste. 203 Santa Cruz, CA 95060</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">PS Form 3800, 2/04</p> <p>CERTIFIED MAIL</p>  <p>7155 5474 4100 4895 1198</p> <p>RETURN RECEIPT REQUESTED</p> <p>Article Addressed To:</p>  <p>J&L Teamworks 651 N Cherokee Ln Ste B2 Lodi CA 95240-4267</p>	<p>COMPLETE THIS SECTION ON DELIVERY</p> <p>A. Signature: <input checked="" type="checkbox"/> Addressee or <input type="checkbox"/> Agent <i>X M. Prince</i></p> <p>B. Received By: (Please Print Clearly) <i>Mylesha Prince</i></p> <p>C. Date of Delivery</p> <p>D. Addressee's Address (If Different From Address Used by Sender)</p> <p>Secondary Address / Suite / Apt. / Floor (Please Print Clearly)</p> <p>Delivery Address</p> <p>City State ZIP + 4 Code</p>
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Exhibit 3

LAW OFFICE OF BALAM O. LETONA

1347 Pacific Avenue, Suite 203
Santa Cruz, CA 95060-3940
Voice & Facsimile (831) 621-9659
letonalaw@gmail.com

February 6, 2008

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

J&L Teamworks
651 N. Cherokee Lane, B2
Lodi, CA 95240

Re: THOMAS VOGTMAN
Account No. 9156162

To Whom It May Concern:

This office represents Mr. Thomas Vogtman with respect to the account listed above and any other debt your office seeks to collect from him. Mr. Vogtman regrets the fact that he will not be able to make any further payments on this debt. Please be informed that Mr. Vogtman is disabled and he receives Workers Compensation disability benefits.

This office requests pursuant to California Civil Code § 1788.14 that all further communications regarding the debt be directed to Balám O. Letona, Esq., of the Law Office of Balám O. Letona, Inc., at the address listed above. Contact from your office has caused Mr. Vogtman to suffer unnecessary stress.

We thank you in advance for your anticipated cooperation in this matter. Additionally, if your office would like to call regarding this debt please call this office at (831) 421-0200. I am

Very truly yours,

The Law Office of Balám O. Letona, Inc.



Balam O. Letona, Esq.
Attorney for Thomas Vogtman

U.S. Postal Service Certified Mail Receipt	ARTICLE NUMBER 7155 5474 4100 4609 6141	FEES Postage per piece \$0.41 Certified Fee 2.65 Return Receipt Fee 2.15 Total Postage & Fees: \$5.21
	ARTICLE ADDRESS TO: J&L Teamworks 651 N Cherokee Ln Ste B2 Lodi CA 95240-4267	
	Postmark Here	
	(Empty space for postmark)	

LAW OFFICE OF BALAM O. LETONA
 1347 Pacific Avenue, Ste. 203
 Santa Cruz, CA 95060

PS Form 3800, 2/04

CERTIFIED MAIL



7155 5474 4100 4609 6141

RETURN RECEIPT REQUESTED

COMPLETE THIS SECTION ON DELIVERY

A. Signature: (<input type="checkbox"/> Addressee or <input type="checkbox"/> Agent) <i>X Mary Marquez</i>	
B. Received By: (Please Print Clearly) <i>Mary Marquez</i>	
C. Date of Delivery FEB 10 2009	
D. Addressee's Address (If Different From Address Used by Sender.) Secondary Address / Suite / Apt. / Floor (Please Print Clearly) Delivery Address City State ZIP + 4 Code	

Article Addressed To:



J&L Teamworks
 651 N Cherokee Ln Ste B2
 Lodi CA 95240-4267

JS 44 (Rev. 12/07) (and rev 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS

THOMAS VOGTMAN

DEFENDANTSJ&L COLLECTION SERVICES, INC., dba J&L TEAMWORKS,
TONY MIRABAL, WESLEY DOE and DOES 1-10(b) County of Residence of First Listed Plaintiff **SANTA CRUZ**
(EXCEPT IN U.S. PLAINTIFF CASES ONLY)County of Residence of First Listed Defendant **SAN JOAQUIN**
(IN U.S. PLAINTIFF CASES ONLY)NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

(c) Attorney's (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

Ronald Wilcox, Attorney at Law
2160 The Alameda, First Floor, Suite F
San Jose, CA 95126
Tel: (408) 296-0400

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus—Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organization <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from another district (specify)
☐ 6 Multidistrict Litigation
☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 15 U.S.C. 1692, et seq.

Brief description of cause:

Violations of the Fair Debt Collection Practices Act & California's Fair Debt Collection Practices Act, Civil Code 1788 et s

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23
 DEMAND \$

CHECK YES only if demanded in complaint:
 JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE
 "NOTICE OF RELATED CASE".

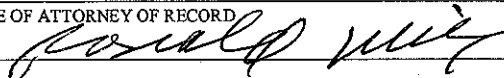
IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)

☐ SAN FRANCISCO/OAKLAND ☒ SAN JOSE

DATE

SIGNATURE OF ATTORNEY OF RECORD

8/15/08



INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44**Authority For Civil Cover Sheet**

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

I. (a) Plaintiffs-Defendants. Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.

(b) County of Residence. For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)

(c) Attorneys. Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".

II. Jurisdiction. The basis of jurisdiction is set forth under Rule 8(a), F.R.C.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.

United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.

United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.

Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.

Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; federal question actions take precedence over diversity cases.)

III. Residence (citizenship) of Principal Parties. This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.

IV. Nature of Suit. Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerks in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.

V. Origin. Place an "X" in one of the seven boxes.

Original Proceedings. (1) Cases which originate in the United States district courts.

Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.

Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.

Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.

Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.

Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.

Appeal to District Judge from Magistrate Judgment. (7) Check this box for an appeal from a magistrate judge's decision.

VI. Cause of Action. Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553

Brief Description: Unauthorized reception of cable service

VII. Requested in Complaint. Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.

Demand. In this space enter the dollar amount (in thousands of dollars) being demanded or indicate other demand such as a preliminary injunction.

Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.

VIII. Related Cases. This section of the JS 44 is used to reference related pending cases if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.